

~~C. 6. 31~~  
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# V I E W

Of all the  
Laws and Statutes  
of this N A T I O N  
Concerning the Service of God  
or Religion.

*The holy Scripture.*  
*The Lords day, or Sabbath.*  
*Prayer.*  
*Preaching.*  
viz. { *Sacraments.*  
*Pluralities.*  
*First Fruits.*  
*Tenths.*  
*Residence, or*  
*Non-residence, &c.*

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by William Sheppard, Esq.

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Published by command.

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London, Printed for J. Wright at the Kings  
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or Religion.

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



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*Of the Service of  
God, or Religion.*




 S touching the <sup>1, The</sup>  


 A service of God, <sup>great re-</sup>  



 or Religion, & <sup>gard the</sup>  
 the Laws of the <sup>law hath</sup>  
 Nation now in force, <sup>of Religi-</sup>  
 and of use relating <sup>on.</sup>

thereunto, these things  
 are to be known. First,  
 That the Christian re-  
 ligion conteined in the  
 Scriptures, is held forth  
 and Commended as  
 the profession of these

A 5 Nations

( 2 )

Sect. 1.

Nations, yet so as no man is to be Compelled to it by penalties, or otherwise then by the endeavor of sound Doctrine, and the examples of good Conversation, and by the encouragement of painful, and able teachers for instructing of the people, and Confutation of error, and heresie. *Government, Acts* 35. 36. 37. 2. That such as professe faith in God by Jesus Christ, though differing in Judgement from the Doctrine, Discipline, or worship publicly held forth, shall not be restrained.

(3)

no strained, but protected  
el- in the profession of the  
es, faith, and exercise of  
oy their Religion, so that  
ad they abuse not this li-  
k- berty to the Civil In-  
a- jury of others, and to  
e the Actual Disturbance  
of the peace on their  
s parts. Provided that  
e this liberty be not ex-  
tended to Popery, or  
Prelacy, nor to such as  
under the profession of  
Christ hold forth and  
practise licentiousness.  
Government, *Acts* 36.

v 37. 38. 3. That the  
law hath a special re-  
gard of it, and there-  
fore it holdeth forth  
these religious princi-  
ples. 1. That

(4)

That Religion, and Justice are the main pillars of the Commonwealth. 2. And that that is the best reason that makes for religion  
*Ecc. 5. 14.*

The main things the law doth take care of in order to the advancement, and preservation of Religion, are Religious Times, or daies; Religious things, as the holy Scriptures, holy Ordinances, or worships, and an orderly performance of them; Religious places, and religious orders of men and officers, such as  
are



(5)

are the ministers of the Gospel, and as to them their due Qualification, Election, Disposal and reward.

As touching religious Times, these things are to be known. 2. . Lords day. .

1. That by our law there is no day now ordinarily to be kept holy but the Lords day.

*Act* 27. Sept. 1650.  
The Common and statute law also doth highly advance the Authority, and severely injoyn the Sanctification, and forbid all manner of profanation of this day. Stat. 5. and 6. Ed. 6. chap. 3.  
*Plow.*

*Plow. 265. Coe. 9. 66.*

And therefore all works (but works of Piety, Charity, and other works of necessity) are forbidden on this day. And for this Cause it is, that if any part of the proceedings of a suite in a Court of Justice be entred, and recorded, as done this day, it makes it all void, and all serving warrants, or proceſſe on this day, but in ſpecial Caſes, is void: and it is a rule *Dies Dominicus non eſt juridicus*. And if a Keepers Deer be ſtollen out of his Parke, whileſt he is  
at

(7)

at Church serving God  
( though this in ano-  
ther case be a forfeiture  
of his office ) yet in  
this case, and at this  
Time it is not at all  
penal to him: 5. Edw.  
3. 27.

2. But this notwith-  
standing, it is lawful to  
pursue and arrest fe-  
lons such as break the  
peace, suppress up-  
roars, quench fire in  
houses, visit sick peo-  
ple, and the like. *Coo .*  
*5. 83. Plow. 265.*

See more of this in  
my office of the Ju-  
stice of peace cap. of  
the Lords day.

3. But as to the o-  
ther

Holydaies ther holy daies called  
 feast daies, they are  
 now totally abrogated  
 and at an end *Act* 27.  
 Sept. 1650. But the  
 5 th. day of Novemb.  
 we are to meet once to  
 thank God for our de-  
 liverance from the  
 Gunpowder Treason.  
 Stat. 3. *James*. ch. 1.

3. Holy  
 Scriptures

As touching the ho-  
 ly Scriptures these  
 things are to be known  
 (1) the maxims of the  
 law concerning them,  
 which are these. 1. That  
 they are of soveraigne  
 Authority, 34. H. 6. 40.  
 2. That the Gospel of  
 Jesus Christ is of infal-  
 lible truth. 3. That a-

ny

(9)

by Statute, Prescripti-  
on, Custome, or Can-  
non against it, is void  
and not to be Admit-

ted. 4. To maintain, 4. Blas-  
phemy &  
Heresie.  
and publish by prea-

ching, printing, wri-  
ting, or teaching any  
thing contrary to them,

as in the first place,

That there is no God,

that he is not present

in all places, that he

doth not know, and

foreknow all things,

that he is not Almigh-

ty, that he is not per-

fectly holy, that he is

not eternal, or that ei-

ther of the three per-

sons of the Godhead is

not God, or that these

three

three are not one Eter-  
 nal God, or that Christ  
 the Son is not equal  
 with the Father, or shal  
 so divide the manhood  
 of Christ, as that his  
 Godhead & manhood  
 are several natures, or  
 deny that the manhood  
 of Christ is without  
 sin, or that Christ died,  
 rose again, or did not  
 ascend into heaven  
 bodily, or that his  
 death is not meritori-  
 ous to believers, the  
 Resurrection, or day  
 of Judgement, or that  
 the Scriptures are not  
 the word of God, or  
 that Christ is not the  
 Son of God, and shall  
 be obstinate herein, it

sect. 2.

(16)

is felony. And in the  
second place if any  
man affirm as before  
that all shall be saved,  
that man hath free wil,  
that God may be wor-  
shipped by Images,  
Purgatory, or that the  
soul dieth or sleepeth  
after death, that the  
revelations or wor-  
kings of the spirit are a  
rule of faith, though a-  
gainst the word, that  
man is {not to be-  
lieve above reason,  
that the moral law is  
at an end, that a Chri-  
stian need not pray nor  
repent, that baptizing  
of Infants is void and  
unlawful, or deny the  
Lords

(12)

Lords day, or Sacraments, or the Ministers, and Magistrates office, or are rebaptized, and be obstinate herein, is to be imprisoned, till he give sureties not to do so again. And in the third place, if any seriously maintain ( he being not distracted ) by word or writing, any creature to be God, or to be equal with God in his Attributes, or that God dwells in the Creature or shall deny the holinesse, and righteousness of God, or say that wicked persons, or wickedness, or wicked acts of swearing,



(13)

ring, drunkenesse, or  
lewdnesse, are not un-  
holy against Gods  
word, or are approved  
by him, or that such  
things, or such per-  
sons therein are like  
God, or shall say that  
these acts of denying  
or Blaspheming God,  
or the holinesse, or  
righteousnesse of God,  
or that the acts of cur-  
sing God, or swearing  
profainly or falsly by  
the name of God, or  
the acts of lying, stea-  
ling, coufening and de-  
frauding others, Sodo-  
my, Drunkenesse, fil-  
thy and Lascivious  
speaking, are not  
things

(14)

things in themselves  
shameful, wicked, and  
abominable in any per-  
son whatsoever to be  
practised, or shall affirm  
that the acts of Adul-  
tery, Drunkenness, and  
the like open wicked-  
nesse are in their own  
nature as holy, and  
righteous, as prayer  
preaching, or giving  
thanks to God, or shall  
maintain, That what-  
ever wickednesse is a-  
cted by them may be  
done without sin, or  
that such acts are acted  
by God, or the Majesty  
of God, or eternity  
that is in them, that  
heaven and happinesse  
is

(15)

is in the acting of these things, or that such men as act them are most like to God or Eternity, which do commit the greatest sins with least remorse, or sense: or that there is no such thing really and truly as sin, unrighteousnesse, or unholinesse, but as a man or woman judgeth thereof, or that there is neither heaven, nor hell, salvation or damnation, or that these are one and the same thing &c. For the first offence herein he is to be imprisoned in the Gaole, or Bridewel 3. moneths

(16)

months without Baile :  
for the second offence  
to be banished , and if  
he return to suffer as a  
fellow. *Ord. 2. May. 1648.*  
*9. August 1650.* But  
now we must examine  
how the punishment of  
men upon these will  
stand with the Articles  
of the Government ,  
which willeth that  
men be not punished  
for their opinions that  
hold the head-faith in  
God by Jesus Christ ,  
and do not Injury, nor  
make disturbance, nor  
hold forth nor practise  
Popery nor Licenti-  
ousnesse. It seems then  
necessary here to di-  
stinguish

distinguish amongst these  
 opinions, and to make  
 these onely punishable  
 by these Acts and Or-  
 dinances, which deny  
 the Godhead in his  
 Essence, or Attributes,  
 or Christ in his natures,  
 or offices, of which sort  
 are most of the first,  
 and last ranke: And all  
 those that tend to Li-  
 centiousnesse, as all  
 those of the last ranke.  
 And those that are po-  
 pish, as Freewil, Purga-  
 tory, Images, and the  
 like, such as are against  
 the Scripture, as that  
 revelations and wor-  
 kings of the spirit are  
 the rule of faith though  
 B            against

Sect. 2.

against the word of  
 God and such like.  
 And those that are a-  
 gainst Magistracy, and  
 Ministry altogether,  
 and such like, which  
 are against peace, and  
 tend to licentiousnesse:  
 that these onely are to  
 be punished: And that  
 the Lesser, and not  
 Dangerous opinions,  
 Denying Presbitery,  
 baptizing of Infants,  
 and affirming that men  
 must be rebaptized,  
 and the like, That  
 these are not punisha-  
 ble now by these laws.  
 Quere therefore well  
 of this.

As touching the ex-  
 ternal

(19)

ternal worship of God, by preaching and hearing Gods word, prayer to, and praising of God, and the Administration of the Sacraments, these things are to be known.

5. The  
Prea-  
ching and  
Hearing  
of Gods  
word:  
Prayer to,  
and pray-  
sing of  
God:  
And Ad-  
ministra-  
tion of  
the Sa-  
craments.

1. The Law requireth that these things are to be done.

2. That they be solemnly, constantly, unanimously, purely, reverently, and Devoutly done, and performed both by the Minister, and the people: see it in the Stat. 5. & 6. Edw. 6. 1. 1. Eliz. 2. 23. Eliz. 1. 13. Eliz. 1. but most lively and ex-

B 2 cellently

cellently in the preamb-  
 ble of the statute of 5.  
 & 6. Ed. 6. cap. 3. &  
 cap. 1. 1 Ed. 6. cap. 1.  
 2. & 3. Ed. 6. 1.

6. Com-  
 mon-  
 prayer-  
 book.

3. But men are not  
 by law bound now to,  
 but forbidden the use  
 of the book of Com-  
 mon prayer, nor are  
 men now bound in the  
 worship of God to the  
 superstitious rights  
 thereby injoynd and  
 formerly used, as the  
 Crosse in Baptisme,  
 kneeling at the Lords  
 Supper, and bowing at  
 the name of Jesus: But  
 these are sent after the  
 Abominable Masse to  
 the place from whence  
 they



(21)

they came, Act 27. Sep.  
1650. Ordinance 3.  
Jan. 1644. Ordi. 23.  
August 1645. But the  
external form, and Or- 7. Dire-  
der now by the law set tory,  
forth, and Commen-  
ded to the Nation for  
the doing of these ser-  
vices of God is the Di-  
rectory. For this by  
a law is to be put in ex-  
ecution for publick  
worship in all places,  
Ord. 23. August 1645.  
And as to these things  
this is here to be  
known. 1. He that  
useth the Common-  
prayer book in publick  
or private, forfeits for  
the first offence 5 *l.* for

B 3

the

(22)

the second offence 10 *l.*  
for the third offence  
Imprisonment for a  
year without Baile. 2.  
He that doth not use  
the Directory, or by  
writing, or otherwise  
doth deprave it, shall  
be fined by the Judges  
at their discretion, not  
under 5 *l.* nor above  
50 *l.* This law seems  
now to be altered by  
the Government. *Art.*  
36. 37. 38. And that  
no man now is to be  
molested about formes  
of Religion: And that  
this is the sense of the  
present Authority ap-  
peares by the Ordi-  
nance for ejecting of  
scanda-

(23)

scandalous Ministers

*Aug. 29. 1654.*

As touching Religious places, such as are Churches, and Chap-<sup>8. Churches.</sup>pels, which are greater, and lesser meeting places of parishes, only these things are to be known.

I. That the law doth not own them as places capable of holiness by any Consecration, but as convenient places for the meeting of the people, and doth therefore take care for the keeping of them repaired, For which see my Book of the office of Church-Wardens,

(24)

Wardens, and *Act* 9.  
*Feb.* 1647.

2. The law doth  
take order for **keeping**  
of the Congregations  
thereabout Gods wor-  
ship in peace without  
Disturbance, & there-  
fore any Disturbance  
donethere is very pe-  
nal, 2. & 3. *Ed.* 6 *ch.* 1.  
1 *Eliz.* 2. 1 *Marie* 3.  
And all fighting, quar-  
relling, or striking  
there, or in the Church-  
yard, is to be severely  
punished, *Stat.* 5. & 6.  
*Ed.* 6. 4.

Church-  
yard.

3 For the better se-  
curing hereof, the  
Church-yard is also to  
be defended in peace.  
*Stat.*

*Stat. 5. & 6. Ed. 6. ch.*

4.

It is therefore ordered, that if any do maliciously strike another, or draw his weapon of purpose to strike another in any Church, or Church yard, he is to have one of his ears cut off. *5. & 6. Ed. 6. ch. 4.*

4. But the parishioners are not now bound as heretofore to come to their own Assemblies, or parish, or to any parish Church to serve God, but so as they serve him, they may joyne themselves unto what Assembly, and in what place they

Going to  
Church.

please. *Act 27. Sep. 1650.*

Monaste-  
ries,  
Abbies,  
Chantries

5. As for other places called heretofore religious houses, such as were Abbies, Priorys Monasteries, Chantries, being places of superstitious chanting or singing, and such like houses they are abolished, and gone, and Conventual Cathedral Churches, for Bishops, Deans & such, like are going after them, but it is parish Churches and Chappels the law takes care of. *See Free Chapel.*

9. Religi-  
ous Per-  
sons, or  
Clergy.

As touching Religious persons, that is Ministers, and preachers of

of the Gospel sometimes called in our law by the name of religious men, sometimes by the name of Clergymen, sometimes Ecclesiastical persons, sometimes spiritual persons, sometimes (but improperly) the Church, and sometimes Parsones, Curates, and Vicars, as to these, and the law concerning them, in order to the preservation of religion, these things are to be known. 1. That they are to be well qualified sect. 3. for, and orderly Called, and Admitted into the office, and then being

ing called to any people or parish their duty is to look to, and watch for the souls of these people, to dispence the bread of life by preaching, to pray for the people, to use and shew charity toward the poor, and hospitlity towards all; and that this may be the better done, the law doth require they should be resident, and will not allow them to be absent from their Charges, but by some special dispensation. And for this they are to have the profits of the Church, and Church-hay.



(29)

hay, the Glebe land,  
and the Tythes of all  
the yearly increase  
within the parish, also  
the oblations, obventi-  
ons, and mortuaries us-  
ually paid in the place,  
And all encourage-  
ments; And that the  
present maintenance  
by Tythes be not taken  
away, nor impeach-  
ed, until a better pro-  
vision can be made:

*Government : Art. 35.*

And in respect of their  
continual Attendance  
upon their sacred fun-  
ction, they are freed  
frō all personal charges  
that may hinder them  
in their calling, for such  
shall

shall not be chosen, Bailiffs, Beedles, Reeues, or other such like officers, nor be compelled to come to the Sheriffs Leete, and they may have an action of Trespasse for any Trespasse in the Trees, or Grasse of the Glebe, or Church hay, they may make any lease of their Tythes, or their Glebe during the time they are Parsons, but they can do no Act to barre their successors now, unlesse it be within the statutes of Ecclesiastical persons: for they have not the meer right of the land in them

them in right of their  
 Churches, but the fee-  
 simple is in Abeyance,  
 and therefore they  
 cannot Discontinue,  
 but every Act they doe  
 will be avoided, when  
 they cease to be in-  
 cumbents, except such  
 as be done by consent  
 of Patrone and Ordinary  
which will binde  
 for ever, if none of the  
 statutes touching Ec-  
 clesiastical persons hin-  
 der. But for the par-  
 ticular opening of  
 these things and the  
 setting forth the law  
 herein, as it stands at  
 this day we shall speak  
 some

(32)

something to these two things. 1. What he is to be and do. 2. What he is to have and receive ; For the first of these.

Qualifi-  
cation of  
Ministers.

1. The law requires that such as enter into the office of a preacher of the Gospel be duly qualified, that he be unblamable in Conversation, found in opinion, able to teach, and for this the Bishop was carefully to examine him, and by information from others to satisfy himself herein: and now there are called Commissioners specially

(33)

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at  
2.  
d  
st  
es  
o  
r  
y  
e  
specially appointed to  
try, examine, and Ad-  
mit such as are pre-  
sented to any place:  
And as touching them,  
and this thing, know  
these things: First,  
that none can come  
into any Benefice, or  
Lecture now, but he  
must passe through  
this examination, and  
have their Approbati-  
on under seal of their  
office. Secondly, this  
being done, it will  
be as much, and as Instituti-  
good as Institution, on and  
and induction. Third- Inducti-  
ly, These Commissio- on.  
ners, before they ap-  
prove

(34)

Augmen-  
tation.

prove any must have a Certificate under the hands of three persons at least, whereof one a Minister of known Godlineffe and integrity, of the holy and good Conversation of the man. Fourthly, All persons that will receive any Augmentation, by Parliament provision must be thus Approved, and Allowed. *Ord. 20. March 1653.*

2. He ought to be Admitted, and Allowed: he was therefore to be Called, Approved, and allowed by a Bishop

(35).

shop, or by one of the  
Universities. And with  
out this no man was to  
have taken upon him <sup>Presentation,</sup>  
the office. *Stat, 13. Eliz.*  
*12. 31. Eliz. 26. 3.* And  
he that is to come to  
a Benefice at this day  
must have some kinde  
of presentation to it,  
such as the time doth  
yeild, if it be from the  
LORD PROTECTOR,  
or the Keepers of the  
great Seal by the great  
Seal, from any other,  
he must have a gift, or  
Collation: but here by  
the way for a third  
thing it must be noted,  
that the presentation,  
or

~~or~~ Collation must be  
 free, and the Incum-  
 bent must come in  
 without corruption.  
 And it is therefore pro-  
 vided by the 13. *Eliz.*  
*cap. 12.* that if any sell  
 any spiritual living, as  
 if a patron take money,  
 or other reward to  
 present his Clerk or a  
 Clergy man to any par-  
 sonage, or Vicarage, or  
 take upon him the  
 Parson, or Vicar, or  
 promise for any re-  
 ward to resigne a-  
 gain upon request; all  
 such presentations and  
 the Institutions and  
 Inductions thereupon  
 gotten



(37)

gotten by this means  
are void, and the party  
giving, and taking doe  
each of them forfeit  
the double value of  
the Church for one  
year, And the party  
that doth give is here-  
by made incapable of <sup>10. Si-</sup>  
that Church for ever. <sup>mony.</sup>  
*Stat. 13. Eliz. chap. 6.*  
wherein these things  
are farther to be  
known.

I That if a man give  
the reward himself he  
is said to be simonia-  
cus, but if it be given  
by another without his  
privity, he is said to be  
simoniace promotus,  
and

(38)

and in both cases it is  
alike Dangerous and  
penal, *Coo. on Litt.* 120.

2. A (the Church be-  
ing void) Contracts Si-  
moniacally with the  
patron to have the pre-  
sentation, and upon  
this Corrupt Agree-  
ment he presents R, a  
man ignorant of this  
agreement: in this Case  
he was removed: *Cal-  
verts Case* in the Ex-  
chequer in Brownlows  
*Rep.* 2. part. 164.

3. This law of Simo-  
ny doth hold as well  
where the patron that  
doth present is an u-  
surper, as otherwise,  
but

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but in this case the  
rightful patron, and  
not the LORD PRO-  
TECTOR shall have the  
next presentation, but  
otherwise it is where  
the rightful patron  
doth make such a  
Corrupt contract. *Coo:*  
*on Litt.* 120.

For in this case albe-  
it he that comes in up-  
on this corrupt con-  
tract be admitted, and  
die in the Parsonage, *sect. 4.*  
yet the LORD PROTE-  
CTOR hath not lost his  
Turn, but shall present:  
but if he had resigned,  
or made Cession, and  
then another had been  
pre-

presented, and then the first Clerk had died, then the LORD PROTECTOR had lost his presentment. Brownlows Rep. 1. part. 164.

4. But to Sell or buy for oneself, or for some other the next Avoydance of a Benefice for reward, it seems is not symony *M. 8. Jac. B. R.* And yet see *Winchcombes* case 14. *Jac. C. B.* the case was, *A*, a Clerk, when the Church was full, agree with the patron to give him 98. l. when the Church should become void, the

the then Incumbent being a very old, and sickly man, and Agreed that the patron should grant the next Avoidance to a friend of the Clerks who did present him, this was held a Simonical contract. see in this *Rep.* 2. page 7.

A contract by one with the Patrons brother (the Church being then full) that if he could procure three grants of the next Avoidance to be surrendered, and the patron to present him when it became void, he would make him a lease of parcel of the Tythes of

C the

(42)

the Rectory, and he during the life of the Incumbent got the grants to be surrendered, and all the rest was done, and it was Agreed to be void.

5. And in this case the Church will be void without deprivation or sentence Declaratory: *March 84. pl. 139.*

6. An Incumbent presented by *Simony* cannot sue a parishioner for Tythe. *March 84. pl. 139. see more Coo. 3. part. Inst cap. 71.*

Subscription and reading of Articles.

But the law at this day doth not require that he should read and subscribe the Articles

ticles of Religion, nor  
 take the Oath of Su-  
 premacy, nor observe

Oath of  
 Suprema-  
 cy.

any of the Orders,  
 formes, or Ceremonies  
 contained in the Book  
 of common prayer, or  
 in the Cannons, nor  
 that he should be In-  
 stituted and Inducted  
 into a Benefice when  
 he is to receive it, but  
 it is sufficient that the  
 same be given to, or  
 Conferd upon him.

And now by the new  
 Ordinance *March 20.*

Com-  
 mon-  
 prayer,

1653. it is declared  
 that all those that  
 come into any Bene-  
 fice according to the  
 rules thereof, shall be

Instituti-  
on and  
Innuſti-  
on.

(44)

as fully intituled to the  
ſame, as if they had  
been inſtituted, and  
inducted into it: and  
by another new Ordi-  
nance, 30 *Auguſt*. 1654.  
it is provided, That  
where one was for-  
merly Eviſted or ſe-  
queſtered, and yet he  
keepeſ in the place,  
and none was put in by  
the 30<sup>th</sup> of *Auguſt*  
1654. the Patron may  
preſent within four  
Moneths after the 28<sup>th</sup>  
of *Auguſt* 1654. to the  
Cōmiſſioners for ap-  
probation, & they may  
admit him. And in  
places of all ſuch Mi-  
niſters as the Commiſ-  
ſioners



tioners of the Counties shall eject for scandal &c. the Patron must present within four moneths after the Ejectionment to the Commissioners for Approbation. And if he that is ejected die or resign, these Commissioners for approbation may give the Minister admission, and this is as good as Institution and Induction in all these cases.

2. Being in the office, and a charge in his hands, he ought then to be resident, and abiding amongst his people, and there to watch over, and look

2. Non-Residence what it is.

(46)

to their souls , and  
there to be an example  
of piety, sobriety, ho-  
nesty, Charity, and  
hospitality to them.  
And it is forbidden  
him to be non resident  
And therefore plura-  
lity (that is) that such  
a man should have two  
or more spiritual li-  
vings, or promotions  
is generally forbidden  
to such a man; And the  
Consequence of it is  
this, that by the taking  
of the second the first  
doth become void, and  
he looseth the first by  
Cession. And this is  
against the Ancient  
common law it self;  
And

Pluralli-  
tie, what  
it is.

Cession,  
what.

(47)

And it is now forbidden by divers statutes, except only in some special cases, to some great mens Chaplains Chap-  
plaine,  
who.

(that is) such Ministers as depend upon them for the service of God in their houses, where commonly they have a Chappel. But if any such person ha-

ving a Benefice (be it parsonage or vicarage) shall not be resident upon it, but wilfully absent himself by the space of one moneth for a time, or two Where a  
Minister  
may be  
non resi-  
dent and  
have plu-  
ralitie of  
livings.  
Or not.

moneths at several times in one year, he looseth 10. l. by the

C 4

Stat.

Stat. of 21 H. 8. 13. and  
no dispensation will  
serve in this case. But  
such persons as were in  
the Kings service be-  
yond the sea during  
that time only, schol-  
lars under forty years  
old studying at the U-  
niversity, that have of-  
fice, or doe exercise  
there, and are in the  
University, and present  
at their house Exercis-  
es, and such as did  
exercises themselves,  
the Chaplaines of  
the King, and divers  
other great persons  
might have been non  
resident so long as they  
were Attending upon  
such

such great men in their houses; so such as are imprisoned, or sick or attending upon, and by order of any Court, are excused of their residence. And if there be a Parsonage house, some hold that he must be resident upon it, but if not he may reside elsewhere in the place.

*Coo. 4. 79. 118. 9. Ed. 3. 22. F. N. B. 34. Articuli cleri. 8. 9. Ed. 2. 14. H. 8. 17. Co. 6. 21. Stat. 28. H. 8. 23. 26. H. 8. 14. 15. H. 8. 16. 33. H. 8. 28.* If any man that hath a Benefice with Cure of souls of the yearly valew of 8. l.

above do accept of, and shall be duly put into another Benefice with cure of souls, and be in possession thereof, the first shall be Adjudged void, and the patron may present again; And no dispensation can be in this Case.

2. He is amongst his people to teach nothing but sound doctrine and purely to administer the holy Sacraments, he is to take care of the holy worship of God. For this see *Ceo. II. 70. 6. 21. Stat. 13. Eliz. ch. 12. 2. and 3. Ed. 6. 1. 5. and 6 Ed.*

6. *Ed. 6. 6.*

3. He is to preach  
once the 5<sup>th</sup> of *Novem.*  
*Stat 3. Jac .1.*

4. But he is not  
bound now to, but for-  
bidden the use of the  
Common-prayer-book Com-  
mon-  
prayer,  
Ceremo-  
nies,  
nor is he bound now to  
any Ceremonies there-  
in, nor any thing en-  
joyed concerning the  
same, or by the Bishops  
Canons, or touching  
the reading of the Ar-  
ticles of Religion, or  
the statute of 5. and 6.  
*Ed. 6.* to perswade men  
to come to their parish  
Church, for these laws  
are abrogate *Ordi.*  
*March 5. 1653. Act 27.*  
*Sept.*

Sept. 1650. Ordi. 3. Jan.1644.12. Dila-  
pidations.

5. He is to take care to keep up, and maintain in good repair the houses, and buildings standing upon, and belonging to his Benefice. For if there be any dilapidations (that is) wilful, or negligent ruine, or decay therein, the executors, or Administrators of the persons in whose time the same was done or suffered, must make amends to him that doth succeed in the same spiritual living, And he might have sued for the same in the



the spiritual court. And if the offender in this case had made a deed of Gift, to defeat the successor of the effect of his suit, it had been void *Stat. 13. Eliz. 10.* The spiritual court being now gone, we know not what remedy may be had in this case, unlesse the Chancery will give relief herein. But by the new Ordinance Aug. 29. 1654. The Ministers put into places in the room of others put out for scandal &c. are to look to the repair of the houses, and be forced by Justices of the

(54)

the peace thereto. Also the sequestrators whilst they have it in their hands must repair out of the profits.

13. First  
fruit and  
Annates  
what.

He is to take care to Discharge the First-fruits and Tenths, that the charge thereof be not left upon his successor; The first fruits are the profits of every spiritual living for one year. And this had now been given to the LORD PROTECTOR, the Ordering of which is in the Exchequer. For every one that is chosen, appointed, and presented to any parsonage, or vicaridge

vicaridge which doth  
 exceed the valew of 8.  
 Markes must before he  
 intermeddle with the  
 profits thereof, pay un-  
 to, or agree, and give  
 security for to the  
 LORD PROTECTOR, or  
 such as he doth ap-  
 point to take the same,  
 the first fruits of their  
 spiritual promotion,  
 under pain to forfeit  
 the double Valew  
 thereof. And if the  
 Benefice be under 8.  
 Markes in valew, then  
 he is to give security to  
 pay the same first fruits  
 three years after his  
 induction thereunto  
*Stat 27. 8. 7. and 3.*  
*Ed.*

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*Ed. 6. 20. 7. Ed. 6. 4.*

*1. Eli . 4. 34. 35. H. 8.*

*17. Stat. 26. H. 8. cap.*

*45. 5. March ch. 10.*

*1. Eliz. ch. 4.* But it

seemes all this now is

set apart for the main-

tenance of the Ministe-

ry. See *Act 8. June 1649.*

Tenths  
what.

So also he is to dis-

charge the tenths; the

tenths are a yearly

portion of Tribute to

the value of the tenth

part of all the profits

appertaining to a spiri-

tual living. And this

is now reduced to a

Certainty, and known.

And this every parson,

and vicar must have

paid before the first of

*April*

April, yearly to the use  
 of the Lord Protector.  
 It was wont to be paid  
 to the Bishop, and by  
 him into the Exche-  
 quer, but now it is paid  
 immediately into the  
Exchequer; & by that  
 Court the same is for-  
 ced in *Stat. 26. H. 8. 3.*  
*32. H. 8. ch. 45. 5 Mary*  
*1 Eliz. 4.* But this also it  
 seems is now employ-  
 ed as the first fruits are  
*Act. 3. June 1649. and*  
*Ord. 2. September 1654.*

7. He may not med-  
 dle with any temporal  
 Jurisdiction or Autho-  
 rity, to the exercise  
 whereof he is disabled,  
*16, 17. Car. 17.* And he

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is forbidden the taking  
of Farmes, or taking of  
Parsonages, or Vica-  
rages, and the invol-  
ving of himselfe in se-  
cular affaires, see for  
this 21. H. 8. 13. *Dyer.*  
358.

8. He is forbidden  
by Law to make a de-  
struction upon the Be-  
nefice, or to lessen the  
Revenue, and therefore  
he can lay no charge  
nor make any estate  
upon any part of it for  
longer time then his  
own life, except onely  
of such Lands as have  
been usually let, which  
he may let for three  
lives, or 21 yeares.  
*Stat.*

Stat. 13. Eliz. 1. 14. Eliz.  
 1. 18. Eliz. 10. And no  
 Lease he can make of  
 such a Benefice with  
 Cure is good longer  
 then he is ordinarily  
 resident, and serving  
 the cure there without  
 absence above foure-  
score days in one year,  
 Stat. 13. Eliz. 20. 18. E-  
 liz. 10. 14. Eliz. 11. And  
 yet he that is allowed  
 to have two Benefices,  
 may let one of them to  
 his Curate that shall  
 serve that cure. But  
 that Lease wil be good  
 onely so long as the  
 Curate shal be resident  
 there without forty  
 dayes absence in one Rate  
 year

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yeare, 13. *Eliz.* 20. 18. ca  
*Eliz.* 10. 4. *Eliz.* 11. le

9. He is as another d  
man to pay his share ab  
of rates to the poore p  
Church, & highways. he  
And now for the se P  
cond thing what these P  
persons are to have and so  
receive, these things th  
are to be known: they A  
have to their persons so  
divers priviledges a th  
bove other men. For th  
First, such a man can is  
not be Arrested upon a th  
Statute Merchant, or m  
Staple; and if he be, he n  
may have a writ called a  
*Quod clericus captus & t*  
*deliberetur*, nor may he C  
be Arrested for any v  
cause

And Cle-  
ricus cap-  
is virtute  
tutui de-  
beretur,  
vhat



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cause but felony, whilest he is *bona fide* in the doing of his office and about his divine function. And if therefore he be taken out of the Pulpit, whilest he is Preaching or praying and some have said that for this he may have an Action of false imprisonment against them that doe it: But whether it be so or no, this is certaine, that for this the persons that doe it may be indicted and fined. And for Arresting a Minister in the going to, or coming from the Church about the service of God, the Bayliffes

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liffes and those that  
have any hand in it  
may be bound to the  
good behaviour: But  
if the Minister shall  
keep himselfe in the  
Church of purpose to  
prevent such Arrests  
this priviledge wil not  
hold, *Regist. Orig.* 147.  
*st.* 50. *Ed.* 3. *ch.* 5. 1. *R.* 2.  
15. 1 *M.* 3. Secondly  
He is to be freed, and  
exempt from, and not  
bound to serve in any  
office that may disturbe  
or distract him in his  
calling: And therefore  
he is not bound to  
serve the office of Con-  
stable, Tythingman,  
bayliff, beedle, church-  
warden,

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warden, overseer of the  
poor, or the like Office;  
and albeit he hath se-  
cular Lands besides his  
spiritual promotion, &  
in respect thereof  
chargeable if he were  
another man, yet he is  
exempt for this also:  
And if any such office  
be put upon him he  
may be relieved by a  
writ called, *Quod cleri-*  
*ci non eligantur in officio*  
&c. And by this writ  
he may be discharged,  
*F.V.B. 177.*

*Quod Cle-*  
*rici non e-*  
*ligantur in*  
*officio*  
what;

3. He is not bound  
to appeare or doe ser-  
vice in a Leet, or Law  
day, as other men are,  
*Marlb. chap. 10.* and to  
discharge

discharge them if they were, they had a writ to relieve them, *F. N. B. 160.*

4. They ought not in person to serve in the warres: Also they ought to be quit and discharged of Toles & Customes, Average, Pontage, Paviage, and the like for their Ecclesiastical goods: And if they had been molested therefore, they might have had remedy by a writ provided for the purpose: But this and many others are gone and lost, see

+ *Coo. 2. part of his Inst.*

4. 121.

4 And

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4: And as they have  
priviledges for their  
persons, so for their  
possessions of Lands &  
goods, therefore it is  
provided that no di-  
tresse be taken in the  
ancient Fees or Lands  
belonging to the  
Church, as in the Glebe  
of a Parson; or the like,  
that their goods be not  
distreined for a fif-  
teenth due from the  
whole Parish; if they  
be, he may be relieved  
by a writ called, *Quod*  
*personæ, nec prebendarii*  
*distringantur*; &c. That  
neither themselves nor  
their Farmers, or Te-

*Quod per-  
sona nec  
prebenda-  
rii distrin-  
gantur  
&c.*

D

nants

nants were to be  
 forc'd by Surveyors  
 for the Kings use, see  
 for this 9 *Ed. 2, ch. 9,*  
*F. N. B. 173, 176. Cramp:*  
*Jur. 38.*

4. They are to have  
 a competency of main-  
 tenance : And for this  
 the Law gives them  
 these things: First, they  
 are to have the houses  
 belonging to the Mini-  
 ster, the Glebe, the  
 Tythes, the profits of  
 the Church-yard, the  
 oblations, obventions,  
 & Mortuaries therunto  
 belonging ; but for all  
 this see my Booke of  
 Tythes; and the profits  
 se-

(67)

sequestred and received during the vacation are to be paid unto the Parson succeeding, save only the charge of taking in, &c. And for serving the cure in that time, 21. H. 8. 11. They are to have the Corn <sup>Erublem-  
ments.</sup> growing upon the Glebe when they dye, and may by their will give it to whom they will, 21. H. 8. *ch.*

II

3: They may make any Lease of, or charge <sup>Leases,</sup> upon their Benefice for their own lives, and Leases for three lives, and one and twenty

D 2 yeeres

yeeres of the Land  
that hath been usual-  
ly so let, *Stat. 13. Eliz.*  
10.

14. Aug-  
mentati-  
ons.

4. There are now di-  
vers additional helps  
for their maintenance  
by way of Augmenta-  
tion, as touching which  
these things are to be  
known.

1. There is a great  
Revenue given to be  
employed to this pur-  
pose, and Commissio-  
ners especially appoin-  
ted to take and receive  
accompt thereof, and  
to look to the im-  
provement thereof; see  
the Acts and Ordinances



(69)

ces *June 8. 1649. April 5*  
*1650. Sept. 2. 1654.*

2. These Lawes judge  
an hundred pound a  
yeare competent for  
Ministers, save onely  
in Townes and Cities;

3. These Commis-  
sioners are to over-  
look all the Augmen-  
tations, and by, and  
with the Approbation  
of the LORD PROTE-  
CTOR, and his Coun-  
sel they may make,  
adde to, and take from  
what they please. 3.  
For their help of main-  
tenance, they may di-  
vide, or unite Chur-  
ches; as touching

D 3 which

15. Union  
and Divi-  
sion of  
Parishes  
and  
Churches.

which take these things. The Commissioners may procure from the Chancery the Returne of all the former Commissions executed, and have new Commissions where they please, for the discovery of the value of parsonages and vicarages, with, or without cure of souls, the Incumbents scituation of the Churches, &c.

2. When they are informed of the Case, by and with the approbation of the LORD PROTECTOR and his counsel out of Parliament Time

Time, they may unite two or more Churches together, and all the profits thereof, if one of them be not maintained at the charge of the Parishioners, and appoint which Church shall be the meeting place, and then they must be taxed altogether to repair, but other taxes shall go as before, and have their Church wardens as formerly; the patrons shall present by turne, as the Commissioners shall set down. 4. In this case where they see good they may pull

D 4 down.

down one of the Churches, and keep the materials for publick use.

4. They may also, by, and with the Approbation aforesaid, sever and divide Parishes, and fix the maintenance out of the profits of the Church where they think fit. See the Ordinance at large for these things.

15. Scandalous  
and ill affected  
Ministers  
and  
Scholma-  
sters.

5. And now in the last place, if being in this office he be found insufficient, or ill affected, or be scandalous there for his life or doctrine, he is to be ejected

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ejected by Ordinance,  
29. Aug. 1654. And  
for this these things  
are to be known.  
There are Commissio-  
ners of every county  
to put in execution  
this Ordinance. 2. A-  
ny five of these Com-  
missioners may con-  
vent before them any  
scandalous, ignorant,  
negligent, insufficient,  
and disaffected Mini-  
ster, preacher, school-  
master, and examin  
Witnesses against, and  
put him out of his  
place, if they finde him  
guilty of matter of  
scandal, or ill affection

D 5

to

to the Government in any of the Particulars here mentioned. 3. The things for which he is to be put out are,  
 1. If he hath been formerly ejected, or sequestred, and yet keeps in his place. 2. If he hath held, and maintained any of the Blasphemous opinions of the third and last rank before named at Sect. 1. or have held, taught, & maintained the Popes supremacy, Transubstantiation, Purgatory, worshiping of Images, that the Consecrated Host, Crucifixes,

cifixes, or Images are to be worshiped. That Salvation may be merited by works; or be found guilty of profane swearing, or cursing, Perjury, or subordination of Perjury, Adultery, fornication, Drunkenesse, common haunting of Taverns, or Alehouses, frequent Quarrelling or fighting, frequent playing at Cards, or Dice, profaning of the Sabbath day, or allow the same in their families, or countenance it in their parishes, or scholars, or have publicly,

likely, and frequently  
 read, and used the  
 book of Common-  
 prayer since 1. Janu.  
 1653. or have been  
 publikely profane  
 scoffers at, or revilers  
 of the strict profession,  
 and professors of Reli-  
 gion, or Godlinesse; or  
 do encourage, or coun-  
 tenance by word, or  
 practise Whitsen Ales,  
 Wakes, Morrice-dan-  
 ces, May poles, Stage-  
 plaies, or such like li-  
 centious practises, or  
 have by writting  
 preaching, or other-  
 wise declared their  
 disaffection to the pre-  
 sent



sent Government, or are negligent, non-resident, and careless of praying, preaching &c: or of their schollers if they are schoolmasters having no excuse for it 3. If he be put out for insufficiency, it must be with consent declared of five Ministers also. 4. Where they put out a schoolmaster they may put in another as long as he lives, as oft as the place shall be void. 5. They may sequester the profits of the livings out of which they put out any Minister in the hands

hands of some of the Parish, to provide for the place, repaire the houses, and to keep for the next Incumbent.

6. If the party put out be gone, they may allow his wife and children a fifth part, and force payment thereof by sequestration. 6.

None may keep school in the place where he was put out, under pain of 10 s. a day; see the *Ordinance* of 2. Sept. 1654 at large. And now as touching all the rest of the Rabble of the men, and orders formerly called religious,  
of

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of the Regular and secular Clergie, such as were the Abbots, Priars, Monks, Friars, Canons, Nuns, Arch-Bishops, Bishops, Deans, Arch-deacons, Prebends, and the like, these are abolished, and gone, and not owned by our Law at this day,

Ord. 9. Octob. 1646. We are silent therefore about Metropolitans, Bishops, Suffragans, and say nothing of Conge de Estier, Consecration, regio Afsensu, and such like abolished things, see Name.

Metropolitan.  
Bishop.  
Suffragan!  
Consecration.  
Conge-  
de Estier.  
Regio Afsensu.

The

Convoca-  
tion house

The Convocation house was the house wherein the whole Clergy, did assemble to consult of matters Ecclesiastical in time of Parliament. It did consist of two houses, an upper house where the Archbishops and Bishops alone did sit, and a lower house, where all the rest of the Clergy did sit; And the lower house was made up of Clergy men Chosen for Cathedral, and Collegiate Churches; and for the common Clergy of every Diocese, which were called Proctors of the Clergy, like to the mem-

Proctors  
of the  
Clergy.

Prolocu-  
tor.

members of the house  
of Commons, And in  
both these houses they  
had one they called a  
Prolocutor, like to the  
the speaker in the Par-  
liament. But these Cannons,  
things are now gone  
and abolished. And  
yet it seemes the pro-  
vincial, or Sinodal  
Cannons, and Constitu-  
tions formerly made  
by the Clergy in the  
Convocation house, or  
in their other convoca-  
tions that are not con-  
trary to the royal Pre-  
rogative, or the Laws,  
and Customes of the  
Realme are still in  
force, if there were any  
way

way to put them in execution, as there is not, for the Bishops and their Courts are gone, and therefore the canons can be of no force at this day Stat 25. H. 8. ch. 19. 27. H. 8. 15. 3. Ed. 6. ch. 17.

Discipline As to Discipline by Church Censures, this is now left to the Regular, and orderly Churches to be used and Ordered amongst themselves in Christ, and his Gospels way. But for National discipline by way of Excommunication, fu-  
pension, and the like, there

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there can be none such  
used in these daies,  
Bishops being gone,  
for there is no Law, nor  
way for it.

See the old Statutes of  
the Clergy and that  
which concerneth them.

24. H. 3. 2. H. 6. 1.

27. Ed. 3. 5. Westm. 1.

34. 50. Ed. 3. 5. L. R.

2. 15. 14. 13. 4. H. 4.

23. 25. H. 8. 13. 5. and

6. Ed. 5. 13. Act. 8.

June 1549. 5<sup>th</sup> of A-

pril 1550. 2. September

1554.

For the abolishing of

Bishops Dean and Chap-

ters. 23. Novemb. 1546.

20th. of April 1549.

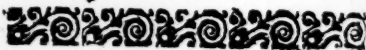
Done

(84)

*Sale of their Lands. 25.  
June 1649. 23: June  
1649. 2. June 1649. 20.  
June 1649.*



**FINIS.**





*Sheppard, of the Laws concerning Religion.*

25.  
476  
20.

